# CITY OF NEW ORLEANS CHIEF ADMINISTRATIVE OFFICE

## POLICY MEMORANDUM NO. 66

July 11, 1985

TO: All Departments, Boards, Agencies, and Commissions

FROM: Coralee Basile, Chief Administrative Officer

SUBJECT: EXECUTIVE ORDER NO. 83-02

#### 1. PURPOSE.

Mayor Ernest N. Morial issued Executive Order No. 83-02 which provides that the workforce on City administered construction projects in excess of \$25,000 consist of 50% New Orleans residents, 25% minorities, and 10% women. The percentages are to be determined on a craft by craft basis according to the total number of work hours performed by each craft. This policy memorandum sets forth the procedures required to implement Executive Order 83-02.

#### 2. EFFECTIVE DATE.

The provisions of this policy shall become effective on any projects released for bid after October 1, 1985.

## 3. ELIGIBILITY.

- A. The provisions of this policy shall apply to all construction projects in excess of \$25,000.00, which are funded in whole or part by City funds, or funds which, in accordance with a federal grant or otherwise, the City expends or administers.
- B. The provisions of this policy shall not apply to construction contracts which are originally budgeted under the \$25,000.00 dollar limit. Those contracts which are valued at under the \$25,000.00 limit, but through change order(s), exceed the \$25,000.00, shall be exempt from the provisions of this policy.
- C. The provisions of this policy shall apply to all City departments, as well as the Parkway and Park Commission and the Public Library. All other boards, agencies and commissions are urged to incorporate the provisions of this policy into all their contracts for construction projects which they fund or administer. If a board, agency or commission decides to adopt the provisions of this policy, that board, agency or commission must contact the Program Compliance Section of the Chief Administrative Office for guidance in implementing the policy.

## 4. MONITORING/ENFORCEMENT.

The Program Compliance Section of the Administrative Office shall be responsible for the monitoring and enforcement of Executive Order No. 83-02.

## 5. REPORTING REQUIREMENTS.

- A. Compliance with E.O. 83-02 shall be determined by the total number of work hours performed (on a craft-by-craft basis) during a specific project rather than during arbitrary time periods during the project.
- B. Payrolls information shall be submitted weekly to the Program Compliance Section, CAO, on forms to be provided by the Program Compliance Section, CAO. The Program Compliance Section, CAO reserves the right to conduct on-site inspections of records and personnel, in order to ascertain compliance, as well as reviewing the reporting forms submitted by the contractor.

#### 6. NOTIFICATION OF THE CONTRACTOR AND THE PROGRAM COMPLIANCE SECTION, CAO.

- A. The City department initiating the bid shall ensure that the requirements of executive Order 83-02 are included in bid specifications for the applicable construction projects in excess of \$25,000.00. The requirements shall be included by attaching a copy of the appropriate contract supplement.
- B. The City department initiating the bid shall notify the Program Compliance Section, CAO, in advance, whenever a pre-bid conference or pre-construction conference is scheduled. The Bureau of Purchasing, Dept. of Finance shall notify the Program Compliance Section, CAO of every contract signed for construction projects. Additionally, the Bureau of Purchasing shall provide the Program Compliance Section, CAO with a signed copy of all construction contracts covered under the terms of this memorandum.
- C. Pre-construction and pre-bid conferences shall be mandatory for all construction projects. The department responsible for the contract shall be responsible for scheduling the conferences, and for notifying the Program Compliance Section, CAO, in advance, of the scheduled date and time of the meeting. The Program Compliance section, CAO shall be represented at all pre-construction and pre-bid conferences to explain the requirements of E.O. 83-02. At the conference, the contractor will be required to sign a statement attesting to his /her knowledge of E.O. 83-02 and to his/her intent to comply with its provisions.

D. The department responsible for the contract, i.e. (Awarding Agency), shall notify the Programs Compliance Section, CAO of the start of construction.

#### 7. DEFINTION OF GOOD FAITH EFFORT.

A contractor shall be considered in compliance with the provisions of Executive Order 83-02 if he/she complies with items (a) through (f) below, and if the information provided in (f) below constitutes, in the opinion of the Program Compliance section, CAO, just cause for not meeting the requirements of E.O. 83-02:

- A. The contractor and its subcontractors shall prepare and submit in a timely manner to the Program Compliance Section, CAO weekly payrolls and weekly "Jobs Equity Reports" in a form approved by the Program Compliance Section, CAO.
- B. Referral orders and records of each contractor's and subcontractor's attempts to recruit minorities, female and resident employees shall be maintained and made available to the Program Compliance Section, CAO upon request within 7 calendar days of said request.
- C. In the hiring of minorities, females and residents, the contractor and its subcontractors may rely on traditional referral methods utilized by the construction industry, and shall also rely on referrals from the New Orleans Plan, Louisiana Women's Advocacy Bureau, and other community based organizations as from time to time exist, to provide minority persons, female and New Orleans residents.
- D. The Program Compliance Section, CAO shall have the right of access to the construction site in order that on-site visits may be conducted.
- E. The contractor and its subcontractors shall provide all information and reports required at the request of either the Awarding Agency or the Program Compliance Section, CAO and shall permit access to its facilities and any books, records, accounts, and other sources of information which may be determined by the Program Compliance Section, CAO relating to the employment of personnel. This paragraph shall apply to information pertinent to compliance with these provisions. Where information required is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so demonstrate to the Program Compliance section, CAO and shall set forth what efforts he has made to obtain this information.
- F. For any trade or work classification for which the contractor's or subcontractor's Jobs Equity Report, paragraph (a) above, indicates

the workforces requirements of the City of new Orleans Contract Supplement were not met, the contractor and its subcontractors shall submit upon request a statement setting forth the following information:

- The names of all persons who applied for work in that trade indicating which persons were (1) Minority, (2) Resident, and (3) Female.
- The reasons any persons identified as (1) Minority, (2) Resident, and (3) Female were not hired.
- The reason any person identified as Minority, (2) Resident, and (3) Female was consistently employed fewer hours than (1) non-minorities, (2) non-residents, or (3) male employees.
- All efforts by the contractor or its subcontractors to meet the requirements of Section 1.5, including:
  - 1. Media advertisements and notices,
  - 2. Communications with recruitment sources,
  - 3. Communications with industry groups,
  - 4. Communications with training sources.

### 8. INQUIRIES.

Any questions concerning this memorandum should be addressed to the Program Compliance Section of the Administrative Office.

CB:KS:ch